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HARYANA GOVERNMENT
TOWN AND COUNTRY PLANNING DEPARTMENT

Notification

The 13th December, 2022

No. 2-TCP/2022/8/18.— In recent past, the acquisition of land has become a cumbersome process leading to option of other alternative models for assembling and development of land for industrial and infrastructure projects through adopting existing land assembling models of E-Bhoomi etc through a dedicated agency for this purpose such as HSVP, Marketing Board, HSIIDC or any State Agency appointed by the Government for this purpose. This policy was drafted by HSIIDC, and now stands approved by the Council of Ministers in its meeting held on 01.12.2022. Accordingly, Governor of Haryana is pleased to notify the “**Haryana Land Partnership Policy-2022**”.

1. Introduction

- 1.1. The “Haryana Land Partnership Policy” is a cooperative development strategy where landowners and Development Agencies establish partnership for achieving the objective of land development. Through the policy, landowners shall partner with the Development Agency for mutual benefit besides ensuring overall economic development of the area.

2. Definitions

- 2.1. **‘Aggregator’** means a person registered under the provisions of the Haryana Regulation of Property Dealers and Consultants Act, 2008 and rules made there under.
- 2.2. **‘Development Agency’** shall refer to any Government Department, Statutory Authority, Board, Corporation or any other organization owned and controlled by the State Government intending to collaborate with land owners for development purposes.
- 2.3. **‘Company’** means a Company registered under the Companies Act, 2013, and managed by the Development Agency for the implementation of a project under this Policy.
- 2.4. **‘Competent Authority’** means the authority of the Development Agency competent to give approval to the project.
- 2.5. **‘Land’** shall refer to the land free from encumbrances, offered for the project and includes the land under mortgage with a bank or financial institution subject to the condition such bank or financial institution provides a No Objection Certificate for collaboration of land by the land owner for the specified purpose.
- 2.6. **‘Project’** means a project for a development purpose including residential, commercial, industrial or institutional development.
- 2.7. **‘Landowner’** means a land owner recorded as such in the land records willing to offer land under his/her ownership for the project proposed by the Development Agency under the provisions of this Policy.
- 2.8. **‘EOI’** shall refer to the Expression of Interest issued by the Development Agency inviting offers from landowners for development of the Project under the policy
- 2.9. **General Application:** The terms referred to in this policy but not defined herein shall have the same meaning as is assigned in the Act/ Rules/ Regulations/ Code applicable to the Development Agency

3. Applicability

- 3.1. This policy shall be applicable-

- i. For any landowner or group of landowners or an aggregator who have a land parcel with clear title falling in the area of the project under this policy, and includes land under the ownership of the State Government or any Panchayati Raj Institution or any Municipality in the State of Haryana.
- ii. For land uses as specified in the Development Plan published by the State Government under the provisions of the Haryana Schedule Roads and Controlled Areas Restriction of Unregulated Development Act, 1963.
- iii. For land falling outside the Development Plan under clause (ii), in respect of a project for industrial purposes only.
- iv. Land utilized inadvertently by the Development Agency for development purpose without acquisition of land.

4. Identification of Feasible Projects:

- 4.1. The Development Agency shall identify projects and the land area required for such project and examines its necessity, feasibility and viability.
- 4.2. The competent authority of the Development Agency shall take a decision on the project based on the examination of the necessity, feasibility and viability of the project.

5. Invitation of Expressions of Interest from Landowners:

- 5.1. On approval for the project by the Competent Authority, the Development Agency shall issue an EOI through a public advertisement informing the general public about the details of the project along with procedure for making an application offering land for the project in terms of this Policy through the following modes;
 - (1) By issuing advertisements in four leading newspapers (i.e two in English and two in Hindi Language) with circulation in the area of the project.
 - (2) Hosting on website of the Development Agency.
 - (3) By pasting on the notice board of office of the Development Agency, Deputy Commissioner, Tehsildar and Block Development and Panchayat Officer concerned.
 - (4) By notice issued to the Sarpanch in case of a Gram Panchayat and to the Mayor or President, as the case maybe, of a Municipality.
 - (5) Any other mode considered necessary by the Development Agency.
- 5.2. Applications shall be invited by the development agency online through a web-portal for the purpose.

The landowner(s) or aggregator willing to participate in the Project shall exercise their option in writing on the prescribed application form within the period of 60 days as mentioned in the advertisement, extendable by the development authority. The Development Agency shall arrange to set up a Help Desk to assist the landowners in filing of online applications.

- 5.3. The last date for submitting the EoI as published in the public advertisement, may be extended, if need be, by the Development Agency, in the same manner as the public advertisement under clause 5.1.
- 5.4. Even in the absence of any publication under this Policy, land owner or an aggregator may offer land in his/her ownership voluntarily of a size of at least 25 acres, through online mode to the Development Agency. In such case, the Development Agency shall undertake a study to assess the necessity, feasibility and viability for development of a project at the location before proceeding ahead. The land owner, directly or through an aggregator, shall also be free to offer land under his/her ownership for the project for the specified development purpose through the e-bhoomi portal of the State Government, in which case the said offer shall be dealt with in terms of the Policy for purchase of land voluntarily offered to Government for development projects dated 6th February, 2017 of the State Government, as amended from time to time.

6. Scrutiny of Proposals

- 6.1. After the last date of submission of applications online, the scrutiny of land offered by the landowners shall be carried out by the Development Agency and the results of such scrutiny with details thereof shall be published by the Development Agency on its website. The Development Agency if it so deems necessary, may seek any clarification during the process of scrutiny on the offer of land made by the landowner. While undertaking scrutiny of applications, the Development Agency may examine the feasibility and viability of the project for the land offered for the project by all applicants. The scrutiny of applications shall be completed by the Development Agency within 60 days from the last date for submission of applications.
- 6.2. The Development Agency after its scrutiny may recommend cessation/withdrawal of the EoI where:
 - i. Adequate response from the landowners is not forthcoming; or,
 - ii. The desirable viable contiguous size of land is not available; or,
 - iii. The shape and size of the land offered is not suitable for planned development; or,
 - iv. Infrastructure provision or Connectivity to the land offered cannot be provided or the cost of such provision makes the project infeasible; or,
 - v. The land parcel is under litigation or clear, undisputed title to the land offered is not available.

- vi. Project is not viable/non-feasible on account of such reasons to be recorded in writing.

7. Project Approval:

- 7.1. On examination of the necessity, feasibility and viability of the project, the Development Agency will obtain the approval of the competent authority for implementation of the project in terms of the land offered for the project and land deemed required for project implementation within a period of 120 days from the last date for submission of applications. After the project is approved, the Development Agency shall publish, on its website, the details of the land identified for implementation of the project, land owners of such land and the land forming part of each land owner in the project.
- 7.2. The Development Agency will issue an intimation letter to each such land owner of land identified for project implementation and to the aggregator, if any, within a period of 15 days from the date of hosting on the website under sub-clause 7(1) above.
- 7.3. On publication of the approval of the project on the website, the Development Agency shall cause an entry to be made against the relevant land parcel within the period of 45 days of the date of approval of the project in the remarks column of the land records to the effect that the land has been offered to the Development Agency for the project for the specified development purpose. On and after such entry in the land records, the Registrar or Sub-Registrar under the Indian Registration Act, 1908, shall seek the prior approval of the Development Agency in case any document for any transaction in respect of the said land parcel is produced before such Registrar or Sub-Registrar

8. Project Implementation:

- 8.1. After approval of the Competent Authority, the Development Agency shall set up a project specific Company for project implementation under this Policy and to ensure exclusive maintenance of records and accounts for each project. The contribution of the Development Agency in the Company shall be in the form of cash infusion to meet the cost of land purchase and initial project development expenses. Any land owner or aggregator contributing 10% land or more to the total land required for project shall be inducted into the Board of Directors of the Company. In case there are more than five such land owners or aggregators, then the five land owners or aggregators contributing the largest land area shall be inducted into the Board of Directors for a tenure of two years and the next five land owners or aggregators contributing the next largest land area shall be inducted for the next tenure of two years and so on, by rotation. In any case there shall be not more than 5 such Directors based on land contributed for the project at any point in time.
- 8.2. The Company shall send acceptance letters to the interested landowners inviting them for signing of the Partnership Agreement for development of the Project. The Company would execute a Partnership Agreement with the landowners, which shall clearly specify the terms & conditions of the collaboration as provided in this Policy or not inconsistent with the provisions of this Policy.

- 8.3. The Company shall purchase the land from landowners at the Collector Rate prevailing as on the date of the Partnership Agreement and the landowners shall be required to transfer possession of the land to the Company on registration of the sale deed. The cost of registration of the land including payment of stamp duty and other incidental expenditure would be borne by the Company.
- 8.4. Upon transfer of the land, the Company shall undertake further action for getting the requisite approvals/permissions for the Project.
- 8.5. The Company shall be required to prepare the layout plan and complete the development works. All development works for projects to be developed over an area of up to 500 acres, shall be completed by the Company within three (3) years from the date of complete transfer of project land by the landowners (scheduled project completion date). Projects to be developed over an area of greater than 500 acres shall be developed in phases, with time period for development of each phase being clearly specified at time of publication of EOI.
- 8.6. Procurement rules as applicable to the Development Agency shall be applicable to Company as well.
- 8.7. Marketing, Sale & Estate Management activities shall be the sole responsibility of Company. The reserve price of sites/properties/plots for the purpose of e-auction shall also be determined by Company. The reserve price of sites/properties/plots and the calculation methodology shall be informed online to each land owner who had offered land for project.
- 8.8. All sites/properties/plots shall be sold through e-Auction process in accordance with the extant procedures of the Development Agency.
- 8.9. The Company shall undertake the operations and maintenance works for the project from the scheduled project completion date. For the same, the allottees shall be required to pay maintenance charges based on the actual costs incurred on undertaking such expenses on pro rata basis.

9. Estimation of Cost Price and Reserve Price:

- 9.1. The total cost of a plot/site/property under the project shall be determined by the Company by including all the costs involved in the project such as cost of undeveloped land, stamp duty, registration, all development works, statutory duties and other charges such as conversion fees, scrutiny fees, license fees, SIDC, EDC etc., survey, demarcation and other related expenses, cost of financing, human resources, administration, marketing expenses, contingent expenditure etc. on the project. The total cost of sites/properties/plots shall include the cost of financing in case of any loan provided by the Development Agency to the Company. Every such cost element shall be specifically taken on the books of accounts of the Company and shall be subject to audit by an independent auditor.
- 9.2. The Development Agency may provide financing to the Company for the implementation of the project

in addition to any financing from any bank or financial institution.

- 9.3. The cost as calculated in clause 9.1 shall be divided by the saleable area of developed sites/properties/plots for each kind of site/plot/property i.e. residential plotted, residential group housing, commercial, industrial and institutional weighted as 2:5:5:2:1 respectively to arrive at the cost per unit of saleable area.
- 9.4. The reserve price of sites/properties/plots at the time of e-auction of plots shall be determined by the Company in accordance with the extant procedures of the Development Agency and shall be set at a value at least equal to the cost per unit of saleable area as described in clause 9.3.

10. Revenue Sharing Mechanism:

- 10.1. For sites/properties/plots sold in the project, the Company shall create a pool account into which all amounts received in excess of the cost per unit of saleable area of each site/property/plot sold in the e-auction process net of taxes as applicable shall be deposited. The amounts so deposited and the details of the amounts so deposited shall be hosted on the website of the Company for the information of the land owners. The Company shall share with the landowners 50% of the amounts so deposited in the pool account with the land owners in accordance with the value of the land offered for the project by each land owner in accordance with the sale deed to the total value of land for the project. The balance 50% of the amounts so deposited shall be paid to the Development Agency. This payment shall be made every six months for first five years after completion of project.
- 10.2. In the event of some sites/properties/plots remaining unsold at (a) the end of 5th year from the project completion date for projects of up-to 500 acres, and (b) at the end of 7th year from the project completion date for projects over 500 acres, the Development Agency will purchase the unsold plots/sites/properties at the weighted average auction price achieved in the last two years of the auction. The amount in excess of the cost price of each site/property/plot shall be deposited by the Development Agency into the pool account and the procedure provided in clause 10.1 shall be adopted for payment of 50% of the share to the landowners.
- 10.3. For the purpose of transparency, the Company shall publish detailed accounts duly audited of the project on a six-monthly basis.
- 10.4. In case a project planned over an area of up to 500 acres is not completed within 3 years from the date of transfer of possession of the last land parcel on execution of the sale deed, then a compensation of Rs. 50,000 per acre shall be offered to the land owner on pro-rata basis based on the land offered such land owner for the project. In case of a project planned over 500 acres, the project completion shall be reckoned in respect of the first phase only.
- 10.5. If the development works of the project has not been started in five (05) years from date of transfer of

possession of the last land parcel on execution of the sale deed, then following consequences will follow:

10.5.1. In case no damage to the land has been caused so as to render the land unfit for utilization for any purpose, the project shall be cancelled and the land will be transferred back to the land owner on 'as is where is' basis by execution of a registered sale deed by the Company. The cost of registration including stamp duty, registration fee and other incidental expenditure shall be borne by the Company.

10.5.2. An additional compensation of Rs 2 lakhs per acre shall be provided to the land owner by the Company.

10.5.3. If land owners offering land for at least 50% of project land agree to provide additional time to Company, then the Company shall be granted additional time period of 1 year for commencement of project.

10.5.4. If funds for payment of expenditure for return of land or compensation shall be transferred by development agency to company to discharge their liabilities, in case sufficient funds are not available with the Company.

11. Other general conditions:

11.1. The land owner-applicants or aggregators should have a clear title and be free from all encumbrances like property disputes, litigations etc. In case of mortgage or a bank loan over the land, the payment under clause 8.3 shall be net of the amount due to the mortgage(s) or the bank(s) concerned. On the request of the mortgagee or the bank, the amount of mortgage or bank loan payable or due shall be remitted to the mortgagee or the bank concerned with the consent of the land owner.

11.2. No compensation shall be provided for any structure or building on the land offered under this purposes forming part of a rural area outside the notified Controlled Area, the same shall be governed by the policy notified by the State Government for development of industrial colony, as amended from time to time.

11.3. In the case of project for industrial purposes forming part of a rural area outside the notified Controlled Area, the same shall be governed by the policy notified by the State Government for development of industrial colony, as amended from time to time.

11.4. In case, it is found that the land is not free from encumbrances or is under litigation which hinders the development & sale of land, the Development Agency and the Company shall have the right to exit from the Agreement entered in respect of disputed land. All the liabilities of such exit shall be borne by the landowner(s) with 9% interest to the Development Agency/Company.

- 11.5. The Company reserve the right to reject any offered land or drop the Project before the stage of final approval.
- 11.6. On the date of approval of the project by the Development Agency and publication of the project approval on the website of the Development Agency, no application for grant of licence under the Haryana Urban Areas (Regulation and Development) Act, 1975, will be entertained by the Director, Town & Country Planning, Haryana, Chandigarh in respect of area forming part of the said approved project.
- 11.7. The terms & conditions of allotment to those who purchase the sites/plots/properties in the e-auction shall be governed by the relevant Act/Rules/Regulations and procedures of Development Agency, mutatis mutandis.
- 11.8. No benefits of Rehabilitation & Resettlement policy of the State Government or annuity shall be admissible to the landowners opting for this the Policy.
- 11.9. The Development Agency shall have the right to take recourse to the provisions of 'The Haryana Consolidation of Project Land (Special Provision) Act, 2017, with the prior approval of Government for acquiring any balance or leftover pockets of land in accordance with the provisions of the Act of 2017.
- 11.10. The License fees, conversion charges, SIDC, scrutiny fee, cost of development works (external and internal) as mentioned in clause 9.1 of the policy shall be in conformity with the fees & charges as prescribed by the Department of Town and Country planning, Haryana.

12. Disputes and Differences:

- 12.1. In regard to the manner of implementation, clarification or interpretation of any clause of the policy, Administrative Secretary of the controlling department of the Development Agency will be competent to take the decision or issue clarification or interpret the same and his/her decision in this regard will be final.

13. Special Dispensations

- i. The "company/development agency" constituted under this policy shall be considered as "local authority" to extend the benefits as contained in section 18 of the Haryana Development & Regulations of Urban Areas Act, 1975.
- ii. This policy shall not provide any immunity from any Act/Rules and therefore, the same shall be ensured by the development agency while implementing any project(s).

This policy is notified in accordance with the approval of the Cabinet as conveyed by the Secretary, Council of Ministers *vide* U.O No. 9/190/2022-2Cabinet dated 01.12.2022 and also concurred by the Finance Department *vide* its U.O. No. 01/72/2022-5FD-III/26898 dated 30.11.2022.

ARUN KUMAR GUPTA,
Additional Chief Secretary to Government Haryana,
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